

Remarks

Upon entry of the present amendment, claims 1-23 and new claims 24-29 will be pending. Support for new claims 24-29 can be found in the specification, for example, at: page 4, third through fourth paragraphs; and, page 7, second paragraph through page 8, first paragraph. No new matter has been added.

Provisional Election With Traverse

The Examiner has separated the currently pending claims into seven (7) different groups as allegedly not related to a single inventive concept under PCT Rule 13. *See*, Paper No. 5, page 2.

In order to be fully responsive, Applicant's herein provisionally elect, *with traverse*, the claims of Group I (*i.e.*, claims 1-15, drawn to NTT proteins and DNA sequences encoding them).

Applicants respectfully traverse the restriction requirement. M.P.E.P. § 803 instructs that all claims in an application should be examined, even where the claims encompass independent or distinct inventions, unless such examination would present a serious burden on the Examiner. In the present case, the showing of a serious burden has not been presented. Moreover, Applicants submit that it would not present a serious burden to examine all of the pending claims, because examination of the polynucleotide and polypeptide claims of Group I can be expected to yield useful and overlapping information regarding the antibody, agonist, antagonist, and method claims of Groups II-VII. Therefore, since the search in Group I would overlap with Group II-VII, the search and examination of claims 1-29 would not entail a serious burden. Accordingly, Applicants respectfully request withdrawal of the present restriction requirement.

Restriction Practice Under 35 U.S.C. § 121

Applicant's note that the present application is a continuation which claims priority under 35 U.S.C. § 120 U.S. to U.S. Application No. 09/062,815 (filed April 20, 1998), which is a divisional that claims priority under 35 U.S.C. § 120 to U.S.


Application No. 08/424,424 (filed April 21, 1995), which is a continuation-in-part that claims priority under 35 U.S.C. § 371 to PCT/US94/05363 (filed May 16, 1994). Therefore, because the present application is a continuing application entitled to benefit of priority under 35 U.S.C. § 365(c), this application is not a national stage application and restriction practice under 35 U.S.C. § 121 is applicable. *See*, M.P.E.P. § 1895.01(D).

Conclusion

Applicants believe that no fee is required for this submission. However, should a fee be due, please charge such fee to Deposit Account No. 08-3425.

Respectfully submitted,

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